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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,410	11/20/2001	Paul D. Rietze	42390P11636	7458

8791 7590 03/19/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

BUI, HUNG S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,410	RIETZE ET AL.	
	Examiner	Art Unit	
	Hung S Bui	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-18, 20-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk et al. [US 6,532,538] in view of Gallagher et al. [US 6,157, 534].

Regarding claim 16, 18, 21-22 and 25, Cronk et al. disclose a method to provision a plurality of computer workstation (302, 306, 310, 314, 318, 322 and 326) with various operating systems (304, 308, 312, 316, 320, 324 and 328) comprising:

- receiving a request to load an operating system from each of a plurality of individual CPUs (column 2, lines 5-7);
- determining an identifier associated with each of the CPUs (column 2, lines 10-14);
- searching for OS identifier associated with each CPU (column 5, lines 15-29);
- retrieving an OS from a storage system using the OS identifier (column 5, lines 1-20); and
- loading each CPU with its retrieved OS (column 5, lines 10-45).

Cronk et al. disclose the instant claimed invention except for the CPUs being server blades.

Gallagher et al. disclose a data server (10) having a plurality of processing unit modules/blades (28) interfaced with a storage system (12) and customer network (14, figure 8).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the server design of Gallagher et al. with the workstation of Cronk et al. to receive the operating systems, for the purpose of providing access to differing data/operating systems.

Regarding claims 17 and 24, Cronk et al. in view of Gallagher et al. disclose a connection between the server and storage system wherein the request is received over the connection.

Regarding claim 20, Cronk et al. discloses the use of an operating system identifier list (column 2, lines 5-17).

3. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk et al. in view of Gallagher et al., as applied to claim 16 and 21 above, and further in view of Memmont [US 6,536,669].

Regarding claims 19 and 23, Cronk et al. in view of Gallagher et al. disclose the instant claimed invention except for the identifier being a dynamic host configuration protocol address.

Memmont discloses an interface between operating components of a network using a dynamic host configuration protocol address.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use a dynamic host configuration protocol address between the drives of Cronk et al. in view of Gallagher et al. for the purpose of accommodating differing system configurations.

Response to Arguments

4. Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive.

Applicant argues:

[1]: Gallagher fails to disclose the "server blade" as recited in the claimed subject matter.

[2]: Gallagher fails to disclose the processing module, or server blade, of Gallagher being a "device implemented as a single board."

Examiner disagrees:

Regarding [1]: Gallagher discloses a server [10] having a plurality of server processing modules [28] each being, as acknowledged by applicant (arguments, page 2, lines 15-20), "essentially a tiny computer."

Regarding [2]: Applicant merely claims that there are a plurality of servers capable of receiving an OS from an storage system and loading the OS onto each server. Applicant has not claimed, nor has examiner considered, the "device implemented as a single board, such as a single board computer (SBC) with a processor or controller." Gallagher discloses the server blades as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

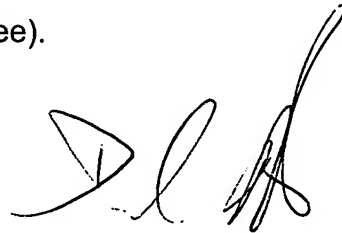
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/11/04
HB

A handwritten signature in black ink, appearing to read 'DM', is written over the printed name and title.

DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800